

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

V.

Civ. A. No. 1:09-11156-JLT

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; KATHLEEN SEBELIUS, Secretary of the United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF VETERANS AFFAIRS; ERIC K. SHINSEKI, Secretary of the United States Department of Veterans Affairs; and the UNITED STATES OF AMERICA,

Defendants.

**DEFENDANTS' ASSENTED-TO MOTION FOR STAY OF INJUNCTIVE RELIEF
PENDING APPEAL**

Defendants respectfully move the Court for a stay pending appeal of the injunctive relief entered by the Court in its judgment in this action [Docket No. 63], to which Plaintiff has provided its assent. A proposed form of Order for the stay pending appeal to be entered in this action is attached hereto.

Dated: August 18, 2010

Respectfully submitted,

FOR PLAINTIFF:

FOR DEFENDANTS:

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on August 18, 2010.

/s/ W. Scott Simpson

for _____

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